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UNITED STATES DISTRICT COURT

JAN 27 2011 CJ

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

LAFAYETTE DIVISION

IN THE MATTER OF THE COMPLAINT  
OF AC MARINE, INC. AS OWNER AND  
OPERATOR OF THE M/V BRAD C  
OFFICIAL #628761, FOR EXONERATION  
FROM OR LIMITATION OF LIABILITY

CIVIL ACTION NO. 10-0087

JUDGE DOHERTY

MAGISTRATE JUDGE HILL

**MEMORANDUM RULING AND ORDER**

Pending before the Court is the Motion for Summary Judgment [Doc. 24] filed by Delta Towing LLC (“Delta Towing”). In its motion, Delta Towing seeks summary judgment in its favor dismissing the claims of the “plaintiffs”<sup>1</sup> on grounds “[p]laintiffs are unable to produce any evidence of any fault whatsoever on the part of Delta Towing.” The motion is GRANTED pursuant to the “Statement of No Opposition” filed by plaintiff Vernon J. Colson, Jr., in which Mr. Colson asserts he “does not oppose the present Motion for Summary Judgment,” as “discovery has revealed no negligence and/or liability on behalf of Delta Towing.”<sup>2</sup> Considering the foregoing,

IT IS ORDERED that the Motion for Summary Judgment [Doc. 24] filed by Delta Towing LLC is GRANTED, and all claims asserted by claimant Vernon J. Colson, Jr. against Delta Towing

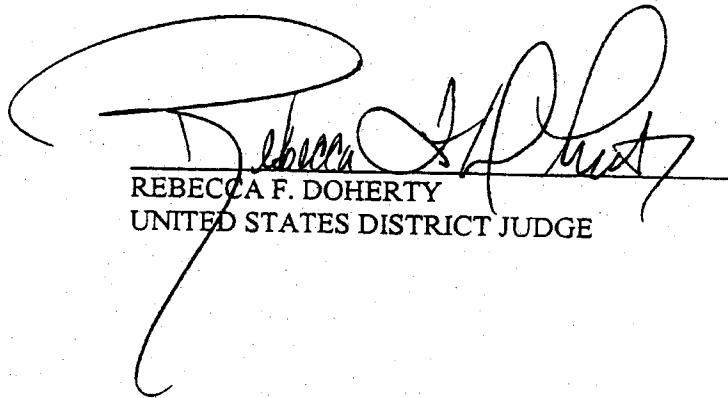
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<sup>1</sup> Although Delta Towing refers throughout its motion to “plaintiffs,” it appears to this Court there is only one claimant in the instant limitation proceeding, that claimant being Mr. Colson.

<sup>2</sup> This Court is somewhat perplexed that claimant’s counsel asserts there is a “limitation proceeding” pending in state court in St. Martin Parish, Louisiana as pursuant to 46 U.S.C. §185, it is generally accepted that the admiralty side of federal court has exclusive jurisdiction over limitation proceedings. However, this Court need not address that seeming incongruity as counsel for the claimant is specifically asserting no liability on the part of Delta Towing.

L.L.C. are DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 27 day of January 2011.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE